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November 23, 2004

Ms. Marlene Dortch, Secretary Federal Communications Commission The Portals, TW-A325 445 12th Street, SW Washington, DC 20554

Re: Ex Parte Presentation – Review of the Section 251 Unbundling Obligations of

Incumbent LECs (CC Docket Nos. 01-338, 96-98, 98-147); Unbundled Access to

Network Elements (WC Docket 04-313)

Dear Ms. Dortch:

On November 22, 2004, the undersigned, on behalf of EarthLink, Inc., had a telephone conversation with Ms. Jessica Rosenworcel, legal advisor to Commissioner Copps, regarding the above-referenced dockets. Specifically, EarthLink discussed the current status and positions of a line sharing UNE in the context of the pending proceeding to establish permanent UNE rules.

Pursuant to the Commission's rules, one copy of this memorandum is being filed electronically in each of the above-referenced dockets for inclusion in the public record. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

/s/

Mark J. O'Connor Counsel for EarthLink, Inc.